

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Edwin A. Ehlers,

File No. 18-cv-01814 (ECT/LIB)

Petitioner,

v.

Patricia W. Smoot, U.S. Parole  
Commissioner; Patricia K. Cushwa, U.S.  
Parole Commissioner; Charles T.  
Massarone, U.S. Parole Commissioner; and  
Michael Alberts, U.S. Probation Officer,

**ORDER**

Respondents.

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On February 25, 2019, the Court adopted the Report and Recommendation of Magistrate Judge Leo I. Brisbois [ECF No. 16], which concluded that the claims raised in Petitioner Edwin A. Ehlers's Petition for a Writ of Habeas Corpus [ECF No. 1] would more appropriately be presented in a traditional civil complaint. *See* Feb. 25, 2019 Order [ECF No. 18]; *see also Spencer v. Haynes*, 774 F.3d 467, 469–70 (8th Cir. 2014). Consistent with *Spencer*, the Court afforded Ehlers an opportunity to file an amended pleading on or before March 27, 2019, failing which his petition would be denied without prejudice and this matter would be dismissed. *See* Feb. 25, 2019 Order at 1–2. That deadline was later extended to May 6, 2019, out of concern that Ehlers may not have received either the Report and Recommendation or the Court's prior order. *See* Apr. 5, 2019 Order at 1–2 [ECF No. 22]; *see also* Apr. 2, 2019 Ltr. from Resp'ts. [ECF No. 21] (notifying the Court of Petitioner's updated address).

That extended deadline has now long since passed, and Ehlers still has not yet filed an amended pleading. There is no indication that Ehlers has not received notice of the Court's orders, which have not been returned as undeliverable as before. *Compare* ECF Nos. 17, 19, 20 (noting mail was returned as undeliverable). In fact, Ehlers has not communicated with the Court about this case at all since September 19, 2018. *See* ECF Nos. 14–15. Accordingly, consistent with the Court's prior orders, his petition for a writ of habeas corpus will now be denied without prejudice and this matter will be dismissed.

Based on the foregoing, and upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Petition for a Writ of Habeas Corpus of Petitioner Edwin A. Ehlers [ECF No. 1] is **DENIED WITHOUT PREJUDICE**; and
2. The above-captioned action is **DISMISSED**.

Dated: June 18, 2019

s/ Eric C. Tostrud  
Eric C. Tostrud  
United States District Court